

1
2
3
4
5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

8 AMELIA L. BUTLER,

9 Plaintiff,

10 v.

11 NEW HORIZONS COMPUTER
12 LEARNING CENTERS-GREAT LAKES,
13 *et al.*,

14 Defendants.

)
) CASE NO. C16-1184 RSM
)
)

) ORDER DENYING AMENDED MOTION
) FOR JUDGMENT
)
)

15 THIS MATTER comes before the Court on Plaintiff's Amended Motion for Judgment.
16 Dkt. #38. Plaintiff is proceeding in this matter *pro se*. She has moved for default judgment
17 against Defendants, apparently under Federal Rule of Civil Procedure 55(b) and Local Civil
18 Rule 55(b), on the basis that these Defendants failed to file an Answer or otherwise respond to
19 the Complaint after being served. *Id.* Defendants oppose the motion as improper. Dkt. #9.
20

21 Pursuant to this Court's Local Rules, prior to moving for default judgment, the Plaintiff
22 must seek an entry of default under Local Civil Rule 55(a), which provides in part:

23 Upon motion by a party noted in accordance with LCR 7(d)(1) and
24 supported by affidavit or otherwise, the clerk shall enter the default of any
25 party against whom a judgment for affirmative relief is sought but who has
26 failed to plead or otherwise defend. The affidavit shall specifically show
27 that the defaulting party was served in a manner authorized by Fed. R. Civ.
28 P. 4.

1 See LCR 55(a) and LCR 55(b) ("No motion for judgment by default should be filed against any
2 party unless the court has previously granted a motion for default against that party pursuant to
3 LCR 55(a) or unless default otherwise has been entered.").

4 Plaintiff has failed to move for default against Defendants. She has further failed to
5 demonstrate that default would be appropriate in any event, as she has failed to provide any
6 details as to when these Defendants were served, which would have triggered the time period
7 for any response to the Complaint. In fact, the record indicates that Defendants may not have
8 been served until just days ago.¹ Dkts. #44 and #45.

10 For all of these reasons, the Court hereby finds and ORDERS that Plaintiff's Amended
11 Motion for Judgment (Dkt. #38) is DENIED.

13 The Clerk SHALL mail a copy of this Order to Plaintiff via U.S. Mail.

14 DATED this 14th day of April, 2017.

16 

17 RICARDO S. MARTINEZ
18 CHIEF UNITED STATES DISTRICT JUDGE

26
27 ¹ The Court acknowledges that there is a pending motion to dismiss for insufficiency of
28 process, and by making this reference does not imply that it has reached a conclusion as to
whether service has actually occurred or whether any such service was proper. The Court
merely intends to point out that Plaintiff's own filings undermine her motion.